

**REMARKS**

Claims 1 through 20 are currently pending in the application.

This amendment is in response to the final Office Action of August 27, 2003 and the Advisory Action of December 2, 2003.

**35 U.S.C. § 101 Double Patenting Rejection**

Claims 1 through 20 are rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1 and 10 of prior U.S. Patent 6,306,687 (hereinafter referred to as the '687 patent).

Applicants respectfully traverse this rejection, as hereinafter set forth.

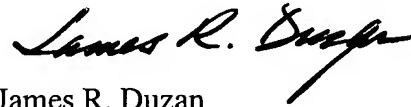
Applicants submit that a reliable test for statutory double patenting under 35 U.S.C. § 101 is whether a claim in the application could be literally infringed without literally infringing a corresponding claim in the patent. Is there an embodiment of the invention that falls within the scope of one claim but not the other? If there is such an embodiment, then identical subject matter is not defined by both claims and statutory double patenting does not exist. *In re Vogel*, 433 F.2d 438, 164 USPQ 619 (CCPA 1970)

Applicants submit that the embodiments of the presently claimed inventions as set forth in presently amended independent claims 1 and 10 of the present application are different inventions than the embodiments of the inventions as set forth in independent claims 1 and 10 of the '687 patent. For instance, the embodiment of the presently claimed invention as set forth in presently amended independent claim 1 of the present application has an element of the claimed inventions calling for "adhesively attaching the segment of tape to portions of the lead frame, the segment of tape extending across the opening having a thermosetting adhesive located thereon forming an attachment location for the semiconductor device" and "attaching the semiconductor device to at least a portion of the segment of tape at the attachment location for the semiconductor device using the thermosetting adhesive located on a portion of the segment of tape, the semiconductor device having a portion thereof located within the opening formed by the plurality of lead fingers of the lead frame" whereas the embodiment of the claimed invention of independent claim 1 of the '687 patent does not. Similarly, the embodiment of the presently claimed invention as set forth in presently amended independent claim 10 of the present

application has an element of the claimed inventions calling for “attaching at least two tape segments to portions of the lead frame, the at least two tape segments being spaced to define at least one opening between the at least two tape segments providing an attachment location for the semiconductor device therein, said at least two tape segments shaped for extending across the opening forming the attachment surface of the semiconductor device” whereas the embodiment of the claimed invention of independent claim 10 of the ‘687 patent does not. Further, the embodiment of the invention as set forth in corresponding claim 1 of the ‘687 patent includes the element of the invention calling for “forming a segment of tape having a shape to fit over at least the bonding end of each lead finger of the plurality of lead fingers of the lead frame forming the opening, the segment of tape extending between the plurality of lead fingers across the opening, the segment of tape having a thermosetting adhesive located in a portion thereof” whereas the presently claimed invention of presently amended independent claim 1 of the present application does not. Similarly, corresponding claim 10 of the ‘687 patent includes the elements of the invention calling for “forming a lead frame having a plurality of lead fingers in strip form having a pair of side rails connecting each lead frame to another in the strip, each lead finger of the plurality of lead fingers having an end forming an opening between the ends of the plurality of lead fingers of the lead frame having a size of one of at least a size of an attachment surface of a semiconductor device and greater than the attachment surface of the semiconductor device” and “forming at least two tape segments shaped to fit over a portion of the ends of the plurality of lead fingers of the lead frame, the at least two tape segments extending across the opening having a size of one of at least the size of the attachment surface of the semiconductor device and greater than the attachment surface of the semiconductor device” whereas presently amended independent claim 10 of the present application does not. Accordingly, since different embodiments of the presently claimed invention of presently amended independent claims 1 and 10 of the present application and independent claims 1 and 10 of the ‘687 patent are being claimed, identical subject matter is not defined by corresponding claims and no statutory double patenting under 35 U.S.C. § 101 does or can exist therebetween. Therefore, claims 1 through 20 are allowable.

In summary, Applicants request the allowance of claims 1 through 20, and the case passed for issue.

Respectfully submitted,



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